United Nations A/HRC/25/NGO/81

General Assembly

Distr.: General
26 February 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11391

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Nigeria: Torture, cruel inhuman and degrading treatment of detainees by Nigerian security forces

Background

Amnesty International's ongoing research since 2008 indicates that the police and the military routinely use torture and other forms of ill-treatment as means of extracting information from suspects and also to break the spirit of the suspects or detainees. Moreover, the information or "confessions" extracted from detainees is in many cases, used in court as evidence. This is contrary to national and international law. The scale of the use of torture and other ill-treatment is increasingly alarming.

Amnesty International delegations have visited police stations throughout Nigeria between 2008 and 2013. The delegations have collected scores of allegations of torture and other cruel, inhuman and degrading treatment received in police detention centres. Based on these confessions, many suspects of armed robbery or murder are remanded to prison to await trial, even if the police are eventually unable to produce sufficient evidence to prosecute the suspect. Inmates claimed to have reported their allegations to either a magistrate or to the prison authorities after they were transferred to prisons. Where torture is suspected, a judge should open a "trial within trial" for proof of duress.

Operations by Nigerian security forces against the Islamists armed group Boko Haram in northern Nigeria have led to an increased use of various forms of torture or other ill-treatment against detainees. Thousands of people accused of having links to Boko Haram have been detained by the Joint Task Force (JTF), military, police and the Department of State Security Services (SSS). In 2013 alone, over 1,000 people were arrested and detained at Giwa military barracks in Maiduguri Borno state, Sector Alpha (a.k.a Guantanamo) in Damaturu, Yobe state as well as the Special Anti-Robbery Squad (SARS) detention centre of the police in Abuja (commonly known as "the abattoir"). The majority of detainees have never been brought to court and most often do not have access to their lawyers and/or families. Few court orders for the release of detainees are respected by the police and the military.

The UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment and punishment said already in 2007 that: "torture and ill-treatment are widespread in police custody, and particularly systematic in CIDs (Criminal Investigations Departments). Torture is an intrinsic part of how the police operate within the country." Little has changed.

Despite several calls by Amnesty International and other national and international organisations urging the Nigerian authorities to criminalise torture and other ill-treatment, no significant action seems to have been taken.

Forms of torture in Nigeria

"They (the army) carry out all sorts of torture means available to them. They hang people, at times, till they die. They use rifle butts and sticks to beat people, they also shoot people on their legs and leave them to bleed. They tie their hands to their back with rope. They call the system "tabay". Some or many are unable to use their hands after they're released. Some people die even after they have been released," said an official in the Nigerian army who spoke to Amnesty International on condition of anonymity.

Amnesty International has interviewed hundreds of former detainees from police and military custody who provided descriptions of the various forms of torture and other ill-treatment used by military or police officers. The main forms of physical torture or other ill-treatment include, but are not limited to the following:

- **Severe beating with gun butts, batons and machetes (or flagellation)** – nearly all former detainees from police and military custody have told Amnesty International that they have been whipped or beaten by the officers with either a gun butt, a machete or a baton.

- **Hanging suspects upside down to a ceiling fan**- another common form of torture in Nigeria is to tie suspects' feet on a ceiling fan with their heads hanging downward. Many former detainees, especially from police custody, described how they were tied and hanged upside down for several hours, without water or food.

- **'Tabay'** - Amnesty International has interviewed former detainees and serving members of the Nigerian military and police who said 'tabay' is one of the many ways in which suspects are ill-treated or tortured in detention. This is a form of torture in which the suspects' elbows are tied behind their backs and the detainee is either hanged on a makeshift stick or made to sit in an awkward position on the ground.

- **Tooth extraction** -the Nigerian police force is known to use this method of torture on suspects and detainees to extract information. It involves the forceful removal of a tooth from the mouth of a detainee or suspect.

- **Starvation** this is increasingly becoming another common form of torture and ill-treatment in Nigeria. Many former detainees in military and police custody have told Amnesty International that they were not given enough food while in detention. Some detainees complained that they were only fed once a day with sub-standard food placed on their palms.

- **Rape** - Amnesty International has received consistent reports that women have been raped or sexually abused by the police in the street, while being transferred to police stations, while in police custody, or when visiting male detainees. Rape and other forms of sexual violence, or the threat of such violence, is among various methods of torture and ill-treatment used by the police to extract confessions or other information. Methods include insertion of foreign objects, such as bottles, into the woman's vagina.

- **Shooting in the leg/foot/hand**: Amnesty International has interviewed scores of inmates and former detainees who said they have been shot in either the leg or foot or in some cases their hand by the police during interrogations. Many said they are often left to bleed for hours with no immediate medical care or treatment. This form of torture by the police and other security forces is widespread in Nigeria.

Former detainees have described to Amnesty International other forms of ill-treatment in Nigerian military or police detention facilities that may constitute psychological torture. These include mock executions, witnessing the execution of fellow inmates, or being forced to witness a ghastly act. In one case, a former detainee told Amnesty International that he and other persons detained at the "abattoir" were forced to witness a female detainee delivering a baby in an opposite cell. According to the former detainee, the baby died shortly after birth. No medical care or treatment was provided for the mother or child.

Amnesty International calls upon the Human Rights Council and its members and observer states at the 25th session to urge Nigeria to:

- issue an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Nigeria; and to urge the Nigerian authorities to respond positively to the requests made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

- urge Nigeria to submit, without further delay, its initial report to the UN Committee against Torture;

- urge Nigeria to develop and implement all necessary measures to put an end to the violations of human rights by security forces, including torture, recommendations Nigeria supported at the 17th Session of the Universal Periodic Review (UPR) -134.68 to 134.72. Amnesty International considers of particular importance, the need to investigate acts of torture and other ill-treatment by security forces to ensure that perpetrators are promptly brought to justice in a fair trial without recourse to the death penalty; and
- urge Nigeria to improve living conditions in detention facilities, to strengthen the system of independent monitoring in all detention facilities in accordance with the Optional Protocol to the Convention against Torture and to establish a human rights monitoring system which allows access to detention centres in

Northern Nigeria as recommended by member states and accepted by Nigeria at the 17th session of the UPR (134.106, 134.108, 134.112).

Amnesty International urges the government of Nigeria to:

1. put an immediate end to the use of torture and all other forms of ill-treatment of suspects and detainees in military and police custody in Nigeria;
2. grant detainees in military and police custody immediate and unhindered access to families, lawyers, human rights defenders and monitors;
3. grant access to legal and practical remedies for victims of torture and other ill-treatment in military and police custody;
4. institute a thorough, independent and impartial investigation into allegations of torture and other ill-treatment by police and military personnel, especially in relation to Boko Haram and armed robbery suspects across the country;
5. grant the National Human Rights Commission (NHRC) monitors and human rights defenders unhindered access to all detention facilities across Nigeria, including military detention centres in northern Nigeria; and
6. criminalise the use of torture and other ill-treatment on suspects and detainees in police and military detention by passing into law the torture bill (Act penalizing the commission of acts of torture and other cruel, inhuman and degrading treatment or punishments, prescribing penalties thereof and for other purposes).